

JAN 25 2006

LODGED \_\_\_\_\_ REC'D *OK*  
PAID *255* \_\_\_\_\_ DOCKETED \_\_\_\_\_

Michael B. Merchant, OSB No. 88268  
BLACK HELTERLINE LLP  
1900 Fox Tower  
805 S.W. Broadway  
Portland, OR 97205  
Tel: (503) 224-5560  
Fax: (503) 224-6148  
E-mail: [mbm@bhlaw.com](mailto:mbm@bhlaw.com)

Of Attorneys for Father M

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

In re

Case No. 04-37154-elp11


ROMAN CATHOLIC ARCHBISHOP OF  
PORTLAND IN OREGON, AND  
SUCCESSORS, A CORPORATION SOLE,  
dba the ARCHDIOCESE OF PORTLAND  
IN OREGON,

**NOTICE OF APPEAL**

Debtor.

Father M, a nonparty, appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge Order For Production of Documents entered in this adversary proceeding on the 25<sup>th</sup> day of January, 2006.

The names of all parties to the judgment, order, or decree appealed from and the names, address and telephone numbers of their respective attorneys are as follows:

 James M. Finn  
Schwabe Williamson & Wyatt, P.C.  
Pacwest Center, Suites 1600-1900  
1211 S.W. Fifth Avenue  
Portland, OR 97204-3795  
Telephone: 503/222-9981  
Fax No.: 503/796-2900  
Of Attorneys for Archdiocese of Portland

Michael B. Merchant  
Black Helterline, LLP  
1900 Fox Tower  
805 S.W. Broadway  
Portland, OR 97205-3359  
Telephone: 503/224-5560  
Fax No.: 503/224-6148  
Of Attorneys for Father M

Of Attorneys for Plaintiffs:

Erin K. Olson, Esq.  
Law Office of Erin Olson, P.C.  
2905 N.E. Broadway  
Portland, OR 97232-1760  
Fax No.: 503/548-4435

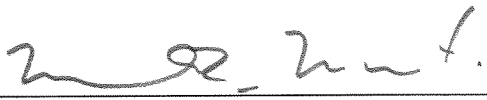
David Slader, Esq.  
806 S.W. Broadway, Suite 400  
Portland, OR 97205  
Fax No.: 503/242-0958

Kelly Clark, Esq.  
O'Donnell & Clark, LLP  
1650 N.W. Naito Pkwy, #304  
Portland, OR 97209-2534  
Fax No.: 503/306-0257

Michael S. Morey, Esq.  
8 North State Street, Suite 301  
Lake Oswego, OR 97034  
Fax No.: 503/636-8512

DATED this 25<sup>th</sup> day of January, 2006.

BLACK HELTERLINE LLP

By:   
Michael B. Merchant, OSB No. 88268  
Of Attorneys for Father M

Michael B. Merchant  
BLACK HELTERLINE LLP  
1900 Fox Tower  
805 S.W. Broadway  
Portland, OR 97205  
Tel: (503) 224-5560  
Fax: (503) 224-6148  
E-mail: [mbm@bhlaw.com](mailto:mbm@bhlaw.com)

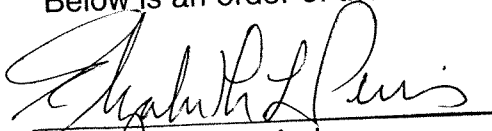
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CLERK, U.S. BANKRUPTCY COURT  
DISTRICT OF OREGON

JAN 25 2005

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Below is an order of the court.

  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re:

ROMAN CATHOLIC ARCHBISHOP OF  
PORTLAND IN OREGON, AND  
SUCCESSORS, A CORPORATION SOLE,  
dba the ARCHDIOCESE OF PORTLAND  
IN OREGON, Debtor.

No. 04-37154-elp11

**ORDER RE: RECORDS OF  
FATHER M**

This matter came before court for a final determination of the applicability of the psychotherapist-patient privilege to documents in the Debtor's personnel file for Father M which are identified by Bates-numbers 7118-7121. This issue was left open in the court's order signed January 6, 2006, to permit Father M to submit additional declarations concerning the document in question.

**Page 1 of 2 – ORDER RE: RECORDS OF FATHER M**

Debtor was represented at the hearing by James Finn, Father M was represented by Michael Merchant, and the tort claimants were represented by Erin Olson.

Having considered the pleadings and record herein, and heard the arguments of counsel, the court finds that the disputed document is not protected from disclosure by the psychotherapist-patient privilege, and, therefore, it is hereby

**ORDERED:**

1. Debtor shall immediately produce to tort claimants, through attorney Erin Olson, documents in the Debtor's personnel file for Father M which are identified by Bates-numbers 7118-7121; and

2. The execution of this order is stayed until <sup>9:00</sup>~~8:30~~ a.m. on Wednesday, January 25, 2006 to permit Father M to <sup>*apply for a stay pending*</sup> appeal this order. *EW*

###

Presented by:

/s/ Erin K. Olson

Erin K. Olson, OSB No. 93477  
Law Office of Erin Olson, P.C.  
2905 N.E. Broadway Street  
Portland, OR 97232-1760  
Telephone: (503) 546-3150  
Facsimile: (503) 548-4435  
E-mail: eolson@erinolsonlaw.com

Attorney for Tort Claimants

JAN 25 2006

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Michael B. Merchant, OSB No. 88268  
BLACK HELTERLINE LLP  
1900 Fox Tower  
805 S.W. Broadway  
Portland, OR 97205  
Tel: (503) 224-5560  
Fax: (503) 224-6148  
E-mail: [mbm@bhlaw.com](mailto:mbm@bhlaw.com)

Of Attorneys for Father M

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

In re

Case No. 04-37154-elp11

ROMAN CATHOLIC ARCHBISHOP OF  
PORTLAND IN OREGON, AND  
SUCCESSORS, A CORPORATION SOLE,  
dba the ARCHDIOCESE OF PORTLAND  
IN OREGON,

**CERTIFICATE OF SERVICE**

**FILED UNDER SEAL**

Debtor.

I hereby certify that I served a true and correct copy of the foregoing **NOTICE**

**OF APPEAL** upon:

Of Attorneys for Archdiocese of Portland:

James M. Finn  
Schwabe Williamson & Wyatt, P.C.  
Pacwest Center, Suites 1600-1900  
1211 S.W. Fifth Avenue  
Portland, OR 97204-3795  
Telephone: 503/222-9981  
Fax No.: 503/796-2900

Of Attorneys for Plaintiffs:

Erin K. Olson, Esq.  
Law Office of Erin Olson, P.C.  
2905 N.E. Broadway  
Portland, OR 97232-1760  
Fax No.: 503/548-4435

Kelly Clark, Esq.  
O'Donnell & Clark, LLP  
1650 N.W. Naito Pkwy, #304  
Portland, OR 97209-2534  
Fax No.: 503/306-0257

Page 1 – **CERTIFICATE OF SERVICE**

**BLACK HELTERLINE LLP**  
1900 Fox Tower  
805 S.W. Broadway  
Portland, OR 97205  
(503) 224-5560

David Slader, Esq.  
806 S.W. Broadway, Suite 400  
Portland, OR 97205  
Fax No.: 503/242-0958

Michael S. Morey, Esq.  
8 North State Street, Suite 301  
Lake Oswego, OR 97034  
Fax No.: 503/636-8512

☐ by mailing a true copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorneys' addresses as shown above and deposited in the United States Mail at Portland, Oregon on the date set forth below.

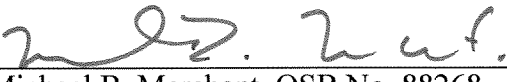
☐ by causing a true copy thereof to be hand-delivered to said attorneys' addresses as shown above on the date set forth below.

☐ by sending a true copy thereof via overnight courier in a sealed, prepaid envelope, addressed to said attorneys' addresses as shown above on the date set forth below.

☒ by faxing a true copy thereof to said attorneys' facsimile numbers as shown above on the date set forth below.

DATED this 25 day of January, 2006.

BLACK HELTERLINE LLP

By:   
Michael B. Merchant, OSB No. 88268  
Of Attorneys for Father M

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